

(i) Is under the age of 7 years, regardless of the individual's weight; or

(ii) Weighs 50 pounds or less, regardless of the individual's age.

(3) "Personal flotation device" means a Type I, II, III, or V U.S. Coast Guard approved personal flotation device that is:

(i) The proper size for the child; and

(ii) In good and serviceable condition.

(4) (i) "Vessel" means:

1. A vessel used for recreational purposes; or

2. A vessel leased, rented, or chartered for noncommercial use.

(ii) "Vessel" does not include a vessel carrying passengers for hire under the command of an individual licensed by the U.S. Coast Guard to carry passengers for hire, or a vessel displaying a valid seafood harvester's license number while engaged in the harvesting of seafood for sale.

(b) (1) A person may not operate or permit the operation of a vessel under 21 feet in length while there is present in the vessel a child not wearing a personal flotation device which is securely and properly attached to the child.

(2) If the child is under the age of 4 years, the personal flotation device [may] SHALL feature additional safety precautions, as appropriate for an infant, toddler, or young child, so as to:

(i) Hold the child securely within the personal flotation device, including a strap that is secured between the child's legs to fasten together the front and back of the personal flotation device;

(ii) Maintain the buoyancy of the child, including an inflatable headrest or high collar; or

(iii) Ensure the ready accessibility of the child from the vessel, including a web handle.

(c) Subsection (b) does not apply to:

(1) A vessel that is moored or anchored; or

(2) A child who is below deck or in an enclosed cabin.

SECTION 3. AND BE IT FURTHER ENACTED, That, by September 30, 2005, and in accordance with § 2-1246 of the State Government Article, the Department of Natural Resources shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee regarding: